

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re FLINT WATER CASES

Civil Action No. 5:16-cv-10444-
JEL- (consolidated)

Hon. Judith E. Levy

ORDER REGARDING SETTLEMENT-RELATED
DUTIES OF THE SPECIAL MASTER

On July 31, 2018, under Federal Rule of Civil Procedure 53, the Court appointed Deborah E. Greenspan to serve as a Special Master. *Amended Order Appointing Special Master* (“Special Master Appointment Order”), ECF No. 544, PageID.16581-16590. The Special Master Appointment Order specified various assigned duties and noted potential additional tasks that could be performed by the Special Master, as directed by the Court.

On January 21, 2021, the Court issued its *Opinion and Order Granting Plaintiffs’ Motion to Establish Settlement Claims Procedures and Allocation and for Preliminary Approval of Class Settlement Components [1318] and Granting Plaintiffs’ Motion for an Order Adopting the Proposed Motion for an Order Adopting the Proposed Motion*

for Approval of Wrongful Death Settlement [1334] (“Preliminary Approval Order”), 499 F. Supp. 3d 399 (E.D. Mich. 2021) (ECF No. 1399, PageID.54398-54469). In the Preliminary Approval Order, the Court appointed Deborah Greenspan as the Special Master under the Amended Settlement Agreement (“ASA”). *Id.*, 499 F. Supp. 3d at 432, ECF No. 1399, PageID.54465.

On November 10, 2021, the Court issued its *Opinion and Order Granting Final Approval Of A Partial Settlement, Granting Certification Of A Settlement Class, Granting Appointment Of Settlement Class Counsel [1794], Denying Objections, And Adopting The Report And Recommendation [2006]* (“Opinion and Final Approval Order”), -- F. Supp. 3d --, 2021 WL 5237198 (E.D. Mich. Nov. 10, 2021) (ECF No. 2008, PageID.69537-69714).

The Opinion and Final Approval Order approved the settlement reached between Plaintiffs and the Settling Defendants in the ASA (ECF No. 1394-2).¹ The ASA specified various duties of the Special Master and defines the Special Master as Deborah Greenspan. ASA, at §1.77, ECF

¹ Unless otherwise defined herein, all capitalized terms herein have the same meaning set forth in the ASA.

No. 1394-2, PageID.54136. Pursuant to the ASA, the Special Master oversees various aspects of the settlement and her duties include, *inter alia*, “(1) consulting with the Claims Administrator and making decisions regarding registration and participation; (2) considering and deciding, in a timely fashion, any appeals taken by participants ...; and (3) handling any disputes that arise involving the ASA.” Opinion and Final Approval Order, 2021 WL 5237198, at *6, ECF No. 2008 at PageID.69554 (citing ASA at PageID.54163–54174).

By this Order, the Court amends the order appointing Deborah E. Greenspan as Special Master at ECF 544 and directs Deborah E. Greenspan to fulfill all of the duties of Special Master set forth in the ASA, pursuant to the ASA and the Opinion and Final Approval Order. Under the provisions of the Special Master Appointment Order, the Court further directs the Special Master to assist the Court in its oversight role by supervising the implementation of the ASA, including, without limitation, supervision and audit of the claims administration process and the entities engaged to provide services in connection with the review, evaluation, and administration of claims and the distribution of settlement assets. The Special Master shall address issues of

interpretation of Exhibit 8 to the ASA and the exhibits thereto and shall be authorized and directed to provide direction to the Claims Administrator regarding questions of interpretation. The Special Master may submit recommendations to the Court regarding interpretation matters. Any determinations regarding interpretation affecting the eligibility of and compensation category of claims shall be posted on the Claims Administrator's website. The Special Master shall report to the Court periodically on the progress of the settlement and on any issues or matters of concern that may arise under the implementation of the ASA. This role is consistent with the Special Master's general role in the implementation of the settlement under the ASA and, therefore, fees, costs and expenses of the Special Master shall be paid out of the FWC Qualified Settlement Fund consistent with the ASA except as otherwise provided in the ASA.

IT IS SO ORDERED.

Dated: January 20, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 20, 2022.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager